IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9009 of 2000
and
CIVIL APPLICATION NO. 3966 OF 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAJAPATI GALBABHAI DHARMABHAI

Versus

STATE OF GUJARAT

Appearance:
MR BB NAIK for Petitioners
MR ARUN D OZA, ld.GOVERNMENT PLEADER for Respondents Nos.1 to 3
MR KM SHETH for intervenor

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE D.H.WAGHELA

Date of decision: 02/05/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

On 24th April 2001, after arguing the matter, ld.Govt. Pleader sought time to take instructions as to

whether the Government was prepared to withdraw the impugned notifications issued under Sec.4 and 6 of the Land Acquisition Act for the purpose of taking a fresh conscious decision in the matter of acquisition of the lands in question after hearing the affected parties including the petitioners because the same lands had been acquired earlier and then released under Sec.48-A of the Land Acquisition Act. The matter was accordingly posted for 30th April 2001. On 30th April 2001, further time was granted to the ld.Govt. Pleader to take instructions. Today, ld.Govt. Pleader has produced a letter dated 1st May 2001 issued under the signatures of Dy.Secretary to Govt., Roads and Buildings Deptt., addressed to the Govt. Pleader that the Government has decided to withdraw the notifications issued under Sec.4 and 6 of the Act. In this view of the matter, the notifications issued under Sec.4 and 6 are required to be withdrawn in accordance with law and to proceed further in terms of the letter dated 1st May 2001. The copy of this letter dated 1st May 2001 has been passed on to Mr.B.B.Naik, ld. Counsel for the petitioners. Ld. Counsel for the petitioner therefore seeks to withdraw this Special Civil Application. The same is accordingly rejected as withdrawn. Rule is hereby discharged. No order as to costs. The letter dated 1st May 2001 as produced by the ld.Govt. Pleader shall remain on record.

As the main matter itself has been decided, there is no question of any interim order in the Civil Application for stay. The Civil Application for stay is hereby rejected. Notice is hereby discharged.

2nd May 2001 (M.R. Calla, J.)

(D.H.Waghela,J.)

Sreeram.